

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re	)	Case No. C 08-00201 JW
)	
COMMUNITY LENDING, INCORPORATED, a	)	Chapter 11
California corporation,)	
	)	Honorable James Ware
Debtor.)	
<hr/>		Bankruptcy Case No. 08-50030 (MM)
)	
MAI CHRISTINA PHAM, JOHN PHAM, MAI	)	Adv. Proc. No. 08-05006
NGUYEN, HUNG PERRY NGUYEN, and)	
JOYCE FREEMAN,	)	DECLARATION OF JOHN PHAM
	)	SUPPORT OF PLAINTIFFS' AND
Plaintiffs,	)	COUNTERDEFENDANTS' MOTIO
	)	FOR SUMMARY JUDGMENT
vs.)	
	)	Date: September 22, 2008
COMMUNITY LENDING, INCORPORATED, a	)	Time: 9:00 a.m.
California corporation, and Does 1 through 10,	)	Courtroom: 8, 4th Floor
inclusive,)	
)	
Defendants.)	

**DECLARATION OF JOHN PHAM IN
SUPPORT OF PLAINTIFFS' AND
COUNTERDEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

Date: September 22, 2008
Time: 9:00 a.m.
Courtroom: 8, 4th Floor

1 I, John Pham, declare:

2 1. I am one of the plaintiffs in this case. I have personal knowledge of the facts stated
3 below, and if called as a witness, I could and would testify competently thereto.

4 2. I am a former employee of Defendant ComUnity Lending, Inc. ("Defendant") and
5 former member of Defendant's Non-Qualified Deferred Compensation Plan ("Plan").

6 3. My Plan benefits are comprised entirely of salary that I earned and then deferred and
7 the interest thereon.

8 4. When the Plan terminated, my account had an aggregate balance of \$1,552,926.30.

9 5. By no later than September 17, 2007, IBT, the Plan's trustee, had distributed my
10 Plan benefits directly to the Company instead of to me. The Company has refused to return my
11 Plan benefits.

12
13 I swear under penalty of perjury under the laws of the United States and California that the
14 foregoing is true.

15
16 Dated this 9th of June, 2008

/s/
John Pham

1 I, John Pham, declare:

2 1. I am one of the plaintiffs in this case. I have personal knowledge of the facts stated
3 below, and if called as a witness, I could and would testify competently thereto.

4 2. I am a former employee of Defendant ComUnity Lending, Inc. ("Defendant") and
5 former member of Defendant's Non-Qualified Deferred Compensation Plan ("Plan").

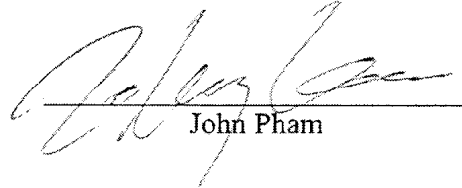
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10 Plan benefits directly to the Company instead of to me. The Company has refused to return my
11 Plan benefits.

12
13 I swear under penalty of perjury under the laws of the United States and California that the
14 foregoing is true.

15
16 Dated this 09 of JUNE, 2008


John Pham